

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JOSE D. LARA,

Petitioner,

CIVIL ACTION

v.

NO. 03-12574-RCL

MICHAEL CORSINI,

Respondent.

O R D E R

On November 17, 2003, petitioner Jose Lara, an inmate at Bay State Correctional Center, submitted an application to proceed without prepayment of fees and a petition for a writ of habeas corpus under 28 U.S.C. § 2254. A few days later, the Court received a check from Mr. Lara in the amount of \$6.00 which apparently was intended by Mr. Lara as payment for the filing fee.

Because the filing fee for Section 2254 habeas actions is \$5.00, the Clerk shall refund Mr. Lara one dollar. Further, because Mr. Lara has paid the filing fee for this action, his application to proceed without prepayment of fees is denied as moot.

Pursuant to Rule 4 of the Rules Governing Section 2254 cases, the Clerk of this Court shall serve a copy of the Petition for a Writ of Habeas Corpus by mailing copies of the same, certified mail, to (1) Michael Corsini, Superintendent, Bay State Correctional Center, P.O. Box 73, Norfolk, MA 02056; AND (2) William J. Meade, Chief, Appellate Division, Attorney General for the Commonwealth of Massachusetts, One Ashburton Place, 18<sup>th</sup> Floor, Boston, MA 02108-1598.

It is further ordered that Respondent shall, within 20 days of receipt of this Order, file an answer (or other proper responsive pleading) to the Petition for Writ of Habeas Corpus.

This Court further requests Respondent, as part of the return, to file such documents which reflect on whether Petitioner has exhausted his available state remedies with respect to the matters raised by the Petition.

1/8/04

DATE

s/ Reginald C. Lindsay

UNITED STATES DISTRICT JUDGE